

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1890**

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**Introduced by Assembly Member Chau**

February 19, 2014

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An act to add and repeal Chapter 5.8 (commencing with Section 2697.2) of Division 2 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1890, as amended, Chau. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would enact the Athletic Training Practice Act which would, until January 1, 2020, provide for the licensure and regulation of athletic trainers, as defined. The bill would establish the Athletic Trainer Licensing Committee ~~within the Osteopathic Medical Board of California~~ to implement these provisions, including issuing and renewing athletic training licenses and imposing disciplinary action. Under the bill, the committee would be comprised of 7 members, to be appointed to 4-year terms except as specified. Commencing ~~July 1, 2015~~, *July 1 of the year in which this bill becomes operative*, the bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee, except as specified. ~~The bill would prohibit, on and after July 1, 2015, in specified cases, and on and after January 1, 2018, in all cases, a person from using the title "athletic trainer," unless the person is licensed by the committee. The bill would specify the requirements for licensure, including the payment of a license application fee established by the committee. The bill would~~

define the practice of athletic training and prescribe supervision requirements on athletic trainers. The bill would establish the Athletic Trainers' Fund for the deposit of license application and renewal fees, and would make those fees available to the committee for the purpose of implementing these provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers Association for purposes of obtaining funds for the startup costs of implementing the act. The bill would require the director to determine that sufficient funds for that purpose have been obtained *by a specified date and make the operation of these provisions contingent upon that determination. The bill would require the director to provide notice to the Legislature, the Governor, and on the department's Internet Web site of the determination, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the following:

2 (a) California is one of only two states that does not currently  
3 regulate the practice of athletic training. This lack of regulation  
4 creates the risk that individuals who have lost or are unable to  
5 obtain licensure in another state will come to California to practice,  
6 thereby putting the public in danger and degrading the standards  
7 of the profession as a whole.

8 (b) There is a pressing and immediate need to regulate the  
9 profession of athletic training in order to protect the public health,  
10 safety, and welfare. This need is particularly important because  
11 athletic trainers often work with schoolage children.

12 SEC. 2. Chapter 5.8 (commencing with Section 2697.2) is  
13 added to Division 2 of the Business and Professions Code, to read:

14

15 CHAPTER 5.8. ATHLETIC TRAINERS

16

17 2697.2. This chapter shall be known, and may be cited, as the  
18 Athletic Training Practice Act.

19 2697.4. For the purposes of this chapter, the following  
20 definitions apply:

1 (a) "Athletic trainer" means a person who meets the  
2 requirements of this chapter, is licensed by the committee, and  
3 practices under the direction of a licensed physician or surgeon.

4 (b) "Committee" means the Athletic Trainer Licensing  
5 Committee.

6 2697.6. (a) A person shall not engage in the practice of athletic  
7 training unless licensed pursuant to this chapter.

8 (b) A person shall not use the title "athletic trainer," "licensed  
9 athletic trainer," "certified athletic trainer," "athletic trainer  
10 certified," "a.t.," "a.t.l.," "c.a.t.," "a.t.c.," or any other variation of  
11 these terms, or any other similar terms indicating that the person  
12 is an athletic trainer unless that person is licensed pursuant to this  
13 chapter.

14 (c) Notwithstanding subdivisions (a) and (b), a person who  
15 practiced athletic training in California for a period of ~~15~~ 20  
16 consecutive years prior to July 1, 2015, and is not eligible on that  
17 date for an athletic training license may engage in the practice of  
18 athletic training and use the title "athletic trainer" without being  
19 licensed by the committee, upon registration with the committee.  
20 ~~However, on and after January 1, 2018, a person shall not engage~~  
21 ~~in the practice of athletic training or use the title "athletic trainer"~~  
22 ~~unless he or she is licensed by the committee pursuant to this~~  
23 ~~chapter.~~

24 (d) Subject to Section 2697.34, this section shall become  
25 operative on July ~~1, 2015~~. *1 of the year this chapter becomes*  
26 *operative.*

27 2697.8. (a) There is established the Athletic Trainer Licensing  
28 Committee ~~within the Osteopathic Medical Board of California~~.  
29 The committee consists of seven members.

30 (b) The seven committee members shall include the following:

31 (1) Four licensed athletic trainers. Initially, the committee shall  
32 include four athletic trainers who have satisfied the requirements  
33 of subdivision (a) of Section 2697.12 and who will satisfy the  
34 remainder of the licensure requirements described in Section  
35 2697.12 as soon as it is practically possible.

36 (2) One public member.

37 (3) One physician and surgeon licensed by the Medical Board  
38 of California or one osteopathic physician and surgeon licensed  
39 by the Osteopathic Medical Board of California.

1 (4) One physical therapist licensed by the Physical Therapy  
2 Board of California.

3 (c) Subject to confirmation by the Senate, the Governor shall  
4 appoint two of the licensed athletic trainers, the public member,  
5 and the physician and surgeon or osteopathic physician and  
6 surgeon. The Senate Committee on Rules and the Speaker of the  
7 Assembly shall each appoint a licensed athletic trainer. The  
8 Physical Therapy Board of California shall appoint the licensed  
9 physical therapist.

10 (d) (1) All appointments are for a term of four years and shall  
11 expire on June 30 of the year in which the term expires. Vacancies  
12 shall be filled for any unexpired term.

13 (2) Notwithstanding paragraph (1), for initial appointments  
14 made on or after January 1, 2015, *1 of the year this chapter*  
15 *becomes operative*, the public member appointed by the Governor  
16 shall serve a term of one year. The athletic trainers appointed by  
17 the Senate Committee on Rules and the Speaker of the Assembly  
18 shall serve terms of three years, and the remaining members shall  
19 serve terms of four years.

20 (e) Each member of the committee shall receive per diem and  
21 expenses as provided in Section 103.

22 2697.10. (a) The committee shall adopt, repeal, and amend  
23 regulations as may be necessary to enable it to carry into effect  
24 the provisions of this chapter. All regulations shall be in accordance  
25 with this chapter.

26 (b) In promulgating regulations, the committee may consult the  
27 professional standards issued by the National Athletic Trainers  
28 Association, the Board of Certification, Inc., the Commission on  
29 Accreditation of Athletic Training Education, or any other  
30 nationally recognized professional organization.

31 (c) The committee shall approve programs for the education  
32 and training of athletic trainers.

33 (d) The committee shall investigate each applicant, before a  
34 license is issued, in order to determine whether the applicant meets  
35 the qualifications required by this chapter.

36 (e) Protection of the public is the highest priority for the  
37 committee in exercising its licensing, regulatory, and disciplinary  
38 functions. Whenever the protection of the public is inconsistent  
39 with other interests sought to be promoted, the protection of the  
40 public is paramount.

2697.12. Except as otherwise provided in this chapter, the committee shall issue an athletic training license to an applicant who meets all of the following requirements:

(a) Has submitted an application developed by the committee that includes evidence that the applicant has graduated from a professional degree program in athletic training accredited by the Commission on Accreditation of Athletic Training Education, or its predecessors or successors, and approved by the committee, at an accredited postsecondary institution or institutions approved by the committee. The professional degree program shall consist of didactic, clinical, and research experiences in athletic training using critical thinking and weighing of evidence.

(b) Has passed an athletic training certification examination offered by the Board of Certification, Inc., its predecessors or successors, or another nationally accredited athletic trainer certification agency approved and recognized by the committee.

(c) Possesses an emergency cardiac care certification from a certification body, approved by the committee, that adheres to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.

(d) Has paid the application fee established by the committee.

2697.14. Notwithstanding Section 2697.12, the committee shall issue an athletic training license to an applicant who did not graduate from an accredited athletic training education program as described in subdivision (a) of Section 2697.12, but who received athletic training via an internship, if the applicant meets all of the following requirements:

(a) Furnishes evidence satisfactory to the committee of completion of a degree at an accredited postsecondary institution that included instruction in basic sciences related to, and on the practice of, athletic training.

(b) ~~Passes~~*Passed* the examination described in subdivision (b) of Section 2697.12 *by December 31, 2003*.

(c) Completes at least 1,500 hours of clinical experience under an athletic trainer certified by the Board of Certification, Inc.

(d) Possesses an emergency cardiac care certification from a certification body, approved by the committee, that adheres to the most current international guidelines for cardiopulmonary resuscitation and emergency cardiac care.

(e) Has paid the application fee established by the committee.

1 2697.16. A license issued by the committee pursuant to Section  
2 2697.12 or 2697.14 is valid for two years and thereafter is subject  
3 to the renewal requirements described in Sections 2697.18 and  
4 2697.20.

5 2697.18. The committee shall establish license application and  
6 renewal fees in an amount sufficient to cover the reasonable  
7 regulatory costs of carrying out this chapter.

8 2697.20. The committee shall renew a license if an applicant  
9 meets all of the following requirements:

10 (a) Pays the renewal fee as established by the committee.

11 (b) Submits proof of all of the following:

12 (1) Satisfactory completion of continuing education, as  
13 determined by the committee.

14 (2) Current athletic training certification from a certification  
15 body approved by the committee, including, but not limited to, the  
16 Board of Certification, Inc., or its predecessors or successors.

17 (3) Current emergency cardiac care certification meeting the  
18 requirements of subdivision (d) of Section 2697.12.

19 2697.21. (a) The committee may deny a license or the renewal  
20 of a license for an applicant or licensee who is described by any  
21 of the following:

22 (1) Does not meet the requirements of this chapter.

23 (2) Has had an athletic training license, certification, or  
24 registration revoked or suspended by an accredited organization,  
25 state, or territory.

26 (3) Has been convicted of a felony or any other crime that  
27 substantially relates to the functions or duties of an athletic trainer.

28 (4) Has committed unprofessional conduct, as described in  
29 subdivision (b).

30 (b) The committee may order any of the following actions  
31 relative to an athletic training license after a hearing for  
32 unprofessional conduct, which includes, but is not limited to, a  
33 violation of this chapter, any regulation adopted by the committee  
34 pursuant to this chapter, and revocation or suspension of an athletic  
35 training license, certification, or registration by an accredited  
36 organization, state, or territory:

37 (1) Issuance of the athletic training license subject to terms and  
38 conditions.

39 (2) Suspension or revocation of the athletic training license.

1 (3) Imposition of probationary conditions upon the athletic  
2 training license.

3 2697.22. (a) The practice of athletic training includes all of  
4 the following:

5 (1) Risk management and injury or illness prevention.

6 (2) The clinical evaluation and assessment of an injury or an  
7 illness sustained or exacerbated while participating in physical  
8 activity, or both.

9 (3) The immediate care and treatment of an injury or an illness  
10 sustained or exacerbated while participating in physical activity,  
11 or both.

12 (4) The rehabilitation and reconditioning from an injury or an  
13 illness sustained or exacerbated while participating in physical  
14 activity, or both.

15 (b) The practice of athletic training does not include the practice  
16 of physical therapy, the practice of medicine, the practice of  
17 osteopathic medicine, the practice of chiropractic medicine, the  
18 practice of nursing, or medical diagnosis or treatment.

19 (c) An athletic trainer shall refer a patient to an appropriate  
20 licensed health care provider when the treatment or management  
21 of the injury, illness, or condition does not fall within the practice  
22 of athletic training.

23 (d) An athletic trainer shall not provide, offer to provide, or  
24 represent that he or she is qualified to provide any treatment that  
25 he or she is not qualified to perform by his or her education,  
26 training, or experience, or that he or she is otherwise prohibited  
27 by law from performing.

28 (e) For purposes of this section, “injury” or “illness” means an  
29 injury or illness sustained as a result of, or exacerbated by,  
30 participation in athletics or physical activity for which the athletic  
31 trainer has had formal training during his or her professional  
32 education program, including nationally recognized educational  
33 competencies and clinical proficiencies for the entry-level athletic  
34 trainer or advanced postprofessional study, and falls within the  
35 practice of athletic training.

36 (f) Subject to Section 2697.34, this section shall become  
37 operative on July 1, 2015. *1 of the year this chapter becomes*  
38 *operative.*

39 2697.24. (a) An athletic trainer shall render treatment within  
40 his or her scope of practice under the direction of a physician and

1 surgeon licensed by the Medical Board of California or an  
2 osteopathic physician and surgeon licensed by the Osteopathic  
3 Medical Board of California. This direction shall be provided by  
4 verbal order when the directing physician and surgeon or  
5 osteopathic physician and surgeon is present and by written order  
6 or by athletic training treatment plans or protocols, to be established  
7 by the physician and surgeon or osteopathic physician and surgeon,  
8 when the directing physician and surgeon or osteopathic physician  
9 and surgeon is not present.

10 (b) Notwithstanding any other law, and consistent with this  
11 chapter, the committee may establish other alternative mechanisms  
12 for the adequate direction of an athletic trainer.

13 (c) Subject to Section 2697.34, this section shall become  
14 operative on July 1, 2015: *1 of the year this chapter becomes*  
15 *operative.*

16 2697.26. The requirements of this chapter do not apply to the  
17 following:

18 (a) An athletic trainer licensed, certified, or registered in another  
19 state or country who is in California temporarily, traveling with a  
20 team or organization, to engage in the practice of athletic training  
21 for, among other things, an athletic or sporting event.

22 (b) An athletic trainer licensed, certified, or registered in another  
23 state who is invited by a sponsoring organization, such as the  
24 United States Olympic Committee, to temporarily provide athletic  
25 training services under his or her state's scope of practice for  
26 athletic training.

27 (c) A student enrolled in an athletic training education program,  
28 while participating in educational activities during the course of  
29 his or her educational rotations under the supervision and guidance  
30 of an athletic trainer licensed under this chapter or other licensed  
31 health care provider.

32 (d) A member or employee of the United States Armed Forces,  
33 licensed, certified, or registered in another state, as part of his or  
34 her temporary federal deployment or employment in California  
35 for a limited time.

36 2697.28. This chapter does not limit, impair, or otherwise apply  
37 to the practice of any person licensed and regulated under any  
38 other chapter of Division 2 (commencing with Section 500).



1 2697.30. This chapter does not require new or additional  
2 third-party reimbursement for services rendered by an individual  
3 licensed under this chapter.

4 2697.32. The Athletic Trainers' Fund is hereby established.  
5 All fees collected pursuant to this chapter shall be paid into the  
6 fund. These fees shall be available to the committee, upon  
7 appropriation by the Legislature, for the regulatory purpose of  
8 implementing this chapter.

9 2697.34. (a) Notwithstanding any other law, including Section  
10 11005 of the Government Code, the Director of Consumer Affairs  
11 may seek and receive funds from the California Athletic Trainers  
12 Association for the initial costs of implementing this chapter.

13 (b) This chapter shall not become operative ~~unless the director~~  
14 ~~determines, on or before January 1, 2015, until January 1 of the~~  
15 *year following the date upon which the director determines that*  
16 *sufficient funds to pay for the initial costs of this chapter have been*  
17 *received from the California Athletic Trainers Association, or*  
18 *some other source of funding, and the funds are deposited in the*  
19 *Athletic Trainers' Fund.*

20 (c) *The director shall make the funding determination described*  
21 *in subdivision (b) on or before June 30, 2015. If the director finds*  
22 *that sufficient funds are not available by that date, he or she shall*  
23 *reexamine the funding status by June 30 of each subsequent year*  
24 *until he or she determines that the conditions described in*  
25 *subdivision (b) have been met.*

26 ~~(e)~~

27 (d) The director shall provide written notification to the  
28 Legislature and the Governor when the ~~determination funding~~  
29 *conditions* described in subdivision (b) ~~has been made, have been~~  
30 *met* and shall concurrently post a notice on the Department of  
31 Consumer Affairs Internet Web site that the determination has  
32 been made.

33 ~~(d)~~

34 (e) A failure of the director to comply with subdivision ~~(e)~~ (d)  
35 shall not affect the validity of a determination made pursuant to  
36 subdivision (b).

37 2697.36. This chapter shall remain in effect only until January  
38 1, 2020, and as of that date is repealed, unless a later enacted

- 1 statute, that is enacted before January 1, 2020, deletes or extends
- 2 that date.

O